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EXAMINER
SHINGLES, KRISTIE D

ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	09/770,644	PAZ ET AL.
Office Action Summary	**Examin r**	**Art Unit**	
	Kristie Shingles	2141	

-- *The MAILING DATE of this communication appears on the cov r sh et with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _07 September 2004_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _31-50_ is/are pending in the application.

  4a) Of the above claim(s) _45-50_ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _31-44_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☒ Claim(s) _31-50_ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _25 January 2001_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a) ☒ All   b) ☐ Some * c) ☐ None of:

  1. ☒ Certified copies of the priority documents have been received.

  2. ☐ Certified copies of the priority documents have been received in Application No. _____.

  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant has amended claims 31-36, 40, 44 and 45. Claims 31-50 are still pending.

Drawings

1.   The proposed drawing corrections filed September 7, 2004 have been accepted by the Examiner. The corrections to the drawings will not be held in abeyance.

Specification

2.   The proposed specification corrections filed September 7, 2004 have been accepted by the Examiner. The corrections to the specification will not be held in abeyance.

Claim Objections

3.   Per claim **40**, the proposed typographic correction filed September 7, 2004 has been accepted by the Examiner. Correction of the claim language will not be held in abeyance.

Response to Arguments

4.   Applicant's arguments with respect to claims 31-50 have been considered but are moot in view of the new ground(s) of rejection.

Restrictions

5.   Restriction to one of the following inventions is required under 35 U.S.C. 121:

I.   *Claims 31-44* are drawn to software comprising computer readable media having compression methods and generating displays according to the compression's constraints, classified in class 709 subclass 247.

II.   *Claims 45-50* are drawn to methods of advertisement comprising providing compressed video streaming and integration/modification with display, classified in class 709, subclass 231 and 246.

Applicant is required under 35 U.S.C. 121 to elect a single invention.

Restriction Election

6.   The Office acknowledges the receipt of Applicant's restriction election, discussed over the telephone with Atty. Eric Kamerath on 12/30/2004. Applicant elects without traverse claims 31-44, hence, claims 31-44 are pending and examined in the instant application. Claims 45-50 are non-elected and therefore will not be examined. This restriction is made FINAL.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8.   Claims **31, 33, 36, 37, 39 and 41-43** are rejected under 35 U.S.C. 102(b) as being

anticipated by *Schaphorst et al* (USPN 4,729,020).

        a.   **Per claim 36,** *Schaphorst et al* teach a compression-modified software that

generates at least one display to be viewed, comprising: one or more computer readable media

having stored thereon:

- a program that when running at a server generates a display for viewing at a client as a compressed video stream (**Abstract, Figures 1 & 2 and Col.7 Lines 51-65; the circuitry, capable of being implemented on a server, generates a compressed video stream for display at a computer monitor**); and

- a compression-responsive module which receives an indication of one or more restrictions related to compression of said at least one display responsive to said indication, wherein said at least one display is modified relative to a display generated without said restrictions in order to meet said one or more restrictions when creating a compressed video stream of said at least one display to be sent to a client (**Abstract, Col.2 Lines 3-36, Col.4 Lines 30-43 and Col.5 Lines 12-66; the tag acts as an indicator by providing information regarding what kind of compression techniques have been applied o the video data, which controls how the video data is displayed or modified for display on the computer monitor according to the extent of compression**).

        b.   **Per claim 31,** *Schaphorst et al* teach a software program for WWW page design,

comprising: one or more computer readable media having stored thereon:

- a restriction module which receives one or more restrictions defining one or more limitations imposed by a compression method to be used in generating a display of one or more WWW pages for viewing at a client as a compressed video stream

(Abstract, Col.1 Lines 61-65, Col.3 Line 66-Col.4 Line 8 and Col.7 Lines 45-65; the system includes a data processor with a control mechanism that monitors the rate of transmitted pixels and determines the extent of compression—to increase or lessen the compression in order to maximize the resolution of the output picture for display); and

- a design module, which lays out one or more display elements, responsive to said received one or more limitations in order to meet said one or more limitations when creating a compressed video stream of said display to be sent to a client (Abstract, Col.4 Line 9-Col.6 Line 44, Col.7 Lines 29-65, Col.10 Lines 38-64 and Col.13 Line 24-Col.14 Line 36; the decoder is programmed to process the video signals according to the limitations imposed by the compression method for creating video).

c.   **Per claim 33**, *Schaphorst et al* teach the software according to claim 31, wherein said one or more restrictions include a bandwidth restriction, and wherein laying out of said one or more display elements comprises selecting one or more display elements to match said bandwidth limitations (**Col.1 Line 39-Col.2 Line 38; the compression restrictions are based on the pixel transmission rate—inherently associated with the bandwidth, thus the increase or reduction of the compression is done to maintain/match the constant pixel transmission rate**).

d.   **Claim 39**, is substantially equivalent to claim 33 and is therefore rejected under the same basis.

e.   **Per claim 37**, *Schaphorst et al* teach the software according to claim 36, wherein said indication comprises a message from a computer on which said software is executed (**Abstract, Col.2 Lines 7-61, Col.4 Lines 9-46 and Col.7 Lines 37-50; tag information is an indicator issued by the device performing the compression and executing the software, which comprises a message indicating what type of compression method was used by the device**).

f.   **Per claim 41**, *Schaphorst et al* teach the software according to claim 36, wherein

said modified display is modified to reduce resources required for compression (**Col.1 Lines 39-**

66 and Col.2 Lines 23-33; the circuitry of the system provides compression flexibility for

the data signals, so the compression may be lessened/reduced according to transmission

rate of the pixels).

g.   **Per claim 42**, *Schaphorst et al* teach the software according to claim 36, wherein

said display is modified by moving at least one object, relative to its display location for a non-

compressed display (**Col.3 Line 35-Col.4 Line 8, Col.7 Line 15-Col.8 Line 66 and Col.9 Line**

56-Col.10 Line 13; the display is modified by moving pixels according to buffering and

correction factors of the compression algorithm applied to a string of bit signals

transmitted through the analog-to-digital converter).

h.   **Per claim 43**, *Schaphorst et al* teach the software according to claim 36, wherein

said display is modified by utilizing a different object for a compressed display than for a non-

compressed display (**Abstract, Col.2 Lines 7-61 and Col.5 Line 12-Col.7 Line 17; the tag is**

an object used to signify a compressed display as opposed to a non-compressed display, the

correction lines are also specific to compressed displays).

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10.   Claim **32** is rejected under 35 U.S.C. 103(a) as being unpatentable over *Schaphorst et al* (USPN 4,729,020) in view of *Higashida* (USPN 5,990,976).

Per claim 32, *Schaphorst et al* teach the software program of claim 31 as applied above, yet fail to explicitly teach the software according to claim 31, wherein said one or more restrictions include a block size definition. However, *Higashida* discloses implementation of various compression methods, where at least one comprises restrictions and transforms realized through compression blocks and variable-length encoding **(Col.3 Line 27-Col.4 Line 67, Col.5 Line 1-Col.6 Line 67 and Col.11 Line 57-Col.12 Line 19)**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Schaphorst et al* and *Higashida* for the purpose of inclusion of various compression techniques, encompassing those with block-size transform definitions; because it would extend the system's functionality and usability beyond the limited capacity of a single compression method.

11.   Claims **34, 35, 38 and 44** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Schaphorst et al* (USPN 4,729,020) in view of *Payne et al* (USPN 6,021,433).

a.   **Per claim 34**, *Schaphorst et al* teach the software program of claim 31 as applied above, yet fail to explicitly teach the software according to claim 31, wherein said one or more computer readable media have stored thereon an automated WWW page generator for a WWW server. However, *Payne et al* disclose a central broadcast server providing access to the Internet and WWW servers, which consequently comprises WWW pages and browsing **(Col.3 Lines 47-**

56, Col.5 Line 55-Col.6 Line 4, Col.8 Lines 15-25, Col.20 Lines 25-40 and Col.32 Lines 20-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Schaphorst et al* and *Payne et al* for the purpose providing accessibility to WWW servers and the Internet; because it would extend the program's resources for acquiring video data on WWW servers and compressing streamed data from the Internet.

b.   **Claim 44** is substantially similar to claim 34 and is therefore rejected under the same basis.

c.   **Per claim 35,** *Payne et al* teach the software according to claim 34, comprising a communication module for receiving said one or more restrictions from a server associated with the compression (**Figures 1 and 2, Col.13 Lines 53-67, Col.17 Lines 39-58 and Col.20 Lines 25-40; the central broadcast server compresses data and forwards it to the computing devices in communication with it**).

d.   **Per claim 38,** *Schaphorst et al* teach the compression-modified software of claim 36 as applied above, yet fail to explicitly teach the software according to claim 36, wherein said indication comprises a configuration file. However, *Payne et al* disclose the realization of a configuration file with the use of the User Preferences Dynamic Link Library, which holds a user's desired modifications and achieves the function of maintaining the user's activation/deactivation codes and unique preferences and furthermore allows for a remote control interface for viewing the maintenance of user settings (**Col.29 Lines 8-30, Col.12 Lines 33-67 and Col.31 Line 48-Col.32 Line 18**).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Schaphorst et al* and *Payne et al* for the purpose of providing configuration file data with the compression indication; because it would offer indicia as to the restriction of the compression method along with configuration information regarding data unique to the user or the user's device.

12.   Claim **40** is rejected under 35 U.S.C. 103(a) as being unpatentable over *Schaphorst et al* (USPN 4,729,020) in view of *Gardner et al* (USPN 5,583,995).

Per claim 40, *Schaphorst et al* teach the software of claim 39 as applied above yet fail to explicitly teach the software according to claim 39, wherein said bandwidth requirement is an instantaneous bandwidth requirement. However, *Gardner et al* disclose use of explicit or implicit bandwidth specification that consequently renders the bandwidth requirement instant since the specification is imposed to balance the allocated bandwidth across the devices (**Abstract, Col.6 Lines 50-61, Col.9 Lines 23-32 and Col.13 Line 56-Col.15 Line15**).

. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Schaphorst et al* and *Gardner et al* for the purpose of making the bandwidth limitations and requirements readily known to prevent the system from experiencing transmission delays and bottlenecks due to the various types of compression techniques useable on the data. This would therefore allow for efficient bandwidth allocation and balancing across the different devices in communication with the system.

Conclusion

13.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

       a.   *Schuster et al* (USPN 6,151,636) disclose data and media communication through a lossy channel using signal conversion.

       b.   *Murphy* (USPN 5,305,195) discloses an interactive advertising system for online terminals.

       c.   *Saukkonen* (USPN 6,011,590) discloses a method of transmitting compressed information to minimize buffer space.

       d.   *Rangan et al* (USPN 6,154,771) disclose a real-time receipt, decompression and play of compressed streaming video.

       e.   *Anigbogu et al* (USPN 6,021,198) disclose an apparatus, system and method for secure, recoverable, adaptably compressed file transfer.

       f.   *Watkins et al* (USPN 6,507,672) disclose a video encoder for digital video displays.

       g.   *Boals et al* (USPN 6,108,727) disclose a system having wireless interface device for storing compressed predetermined program files received from a remote host.

14.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action.   Accordingly, **THIS ACTION IS MADE FINAL**.   See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action.   In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action.   In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

15.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The

examiner can normally be reached on Monday-Friday 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

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Kristie Shingles
Examiner
Art Unit 2141

kds

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SUPERVISORY PATENT EXAMINER